

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

PCT/FR2003/002527



Applicant's or agent's file reference MDI 37	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/002527	International filing date (day/month/year) 13 août 2003 (13.08.2003)	Priority date (day/month/year) 13 août 2002 (13.08.2002)
International Patent Classification (IPC) or national classification and IPC B62D 47/00, B61D 13/00		
Applicant MDI MOTOR DEVELOPMENT INTERNATIONAL S.A.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 12 mars 2004 (12.03.2004)	Date of completion of this report 22 October 2004 (22.10.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/002527

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 1-12, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages 1-7, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages 1/1, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2, 4-7	YES
	Claims	1, 3	NO
Inventive step (IS)	Claims	2, 4-7	YES
	Claims	1, 3	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations

1.1 FR-A-2 606 354 (D1) is the closest document to the subject matter of the application and teaches (see figure 3 and page 1, line 1 to page 3, line 4; line 18 to page 4, line 19; page 5, lines 13 to 17; page 6, lines 10 to 15) a modular road transport vehicle that is motorised by means of compressed air motocompressors/motor alternators and which is consistent with claim 1 in that it comprises:

- a plurality of self-propelled transport modules 10, 20 that are linked via remote control to a driving module 21, 22;
- each driving 21, 22 and transport 10, 20 module has its own reserves of stored compressed air, its own transmission motor assembly and its own braking means;
- each transport module 10, 20 comprises a steering system that is remote controlled by the steering system of the driving module 21, 22, which is operated by the driver.

1.2 The modular road transport vehicle in document D1 also has remote control means in the additional transport modules that are guided by wire (claim 3).

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- 1.3 The subject matter of claims 1 and 3 lacks novelty over the disclosure of document D1 and claims 1 and 3 do not meet the requirements of PCT Article 33(1) to (4).
2. The combination of features in claims 2 and 4 to 7 is neither disclosed in nor obvious from the prior art. An independent claim that included the features of those claims would meet the requirements of PCT Article 33(1) to (4), the features known in combination from document D1 being indicated in the first part of the claim (PCT Rule 6.3(b)).
3. Contrary to PCT Rule 5.1(a)(ii), the description does not cite document D1 or indicate the relevant prior art disclosed therein.
4. The features of the claims are not followed by reference signs placed between parentheses (PCT Rule 6.2(b)).

TRAITE DE COOPERATION EN MATIERE DE BREVETS

PCT

RAPPORT D'EXAMEN PRELIMINAIRE INTERNATIONAL

(article 36 et règle 70 du PCT)

REC'D 25 OCT 2004

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Référence du dossier du déposant ou du mandataire	POUR SUITE A DONNER voir la notification de transmission du rapport d'examen préliminaire international (formulaire PCT/PEA/416)	
Demande internationale No. PCT/FR 03/02527	Date du dépôt international (jour/mois/année) 13.08.2003	Date de priorité (jour/mois/année) 13.08.2002
Classification internationale des brevets (CIB) ou à la fois classification nationale et CIB B62D47/00		
Déposant MDI - MOTOR DEVELOPMENT INTERNATIONAL S.A.		

1. Le présent rapport d'examen préliminaire international, établi par l'administration chargée de l'examen préliminaire international, est transmis au déposant conformément à l'article 36.



2. Ce RAPPORT comprend 4 feuilles, y compris la présente feuille de couverture.

- ☐ Il est accompagné d'ANNEXES, c'est-à-dire de feuilles de la description, des revendications ou des dessins qui ont été modifiées et qui servent de base au présent rapport ou de feuilles contenant des rectifications faites auprès de l'administration chargée de l'examen préliminaire international (voir la règle 70.16 et l'instruction 607 des Instructions administratives du PCT).

Ces annexes comprennent feuilles.

3. Le présent rapport contient des indications et les pages correspondantes relatives aux points suivants :

- I ☒ Base de l'opinion
- II ☐ Priorité
- III ☐ Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle
- IV ☐ Absence d'unité de l'invention
- V ☒ Déclaration motivée selon la règle 66.2(a)(ii) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration
- VI ☐ Certains documents cités
- VII ☐ Irrégularités dans la demande internationale
- VIII ☐ Observations relatives à la demande internationale

Date de présentation de la demande d'examen préliminaire internationale 12.03.2004	Date d'achèvement du présent rapport 22.10.2004
Nom et adresse postale de l'administration chargée de l'examen préliminaire international  Office européen des brevets D-80298 Munich Tél. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Fonctionnaire autorisé Spinelli, V N° de téléphone +49 89 2399-2903 

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**RAPPORT D'EXAMEN
PRÉLIMINAIRE INTERNATIONAL**

Demande internationale n°

PCT/FR 03/02527

5. ☐ Le présent rapport a été formulé abstraction faite (de certaines) des modifications, qui ont été considérées comme allant au-delà de l'exposé de l'invention tel qu'il a été déposé, comme il est indiqué ci-après (règle 70.2(c)) :

(Toute feuille de remplacement comportant des modifications de cette nature doit être indiquée au point 1 et annexée au présent rapport.)

6. Observations complémentaires, le cas échéant :

V. Déclaration motivée selon l'article 35(2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration

1. Déclaration Nouveauté	Oui:	Revendications	2,4-7
	Non:	Revendications	1,3
Activité inventive	Oui:	Revendications	2,4-7
	Non:	Revendications	1,3
Possibilité d'application industrielle	Oui:	Revendications	1-7
	Non:	Revendications	

2. Citations et explications

voir feuille séparée

Partie V.

- 1.1 Le document le plus proche à l'objet de la demande est D1=FR-A-2 606 354 qui enseigne (voir fig. 3 et page 1, ligne 1-page 3, ligne 4; ligne 18-page 4, ligne 19; page 5, lignes 13-17; page 6, lignes 10-15) un véhicule de transport routier modulaire motorisé par des motocompresseurs motoalternateurs à air comprimé en accord au sujet de la revendication 1, en ce qu'il comporte:
- plusieurs modules de transports 10, 20 automoteurs reliés par des moyens de télécommandes à un module de pilotage 21,22;
 - chaque module de pilotage 21, 22 et de transport 10, 20 comporte ses réserves de stockage d'air comprimé, son propre ensemble moteur transmission et ses propres moyens de freinages;
 - chaque module de transport 10, 20 comporte une direction télécommandée par la direction du module de pilotage 21, 22 elle-même actionné par le conducteur.
- 1.2 En outre le véhicule de transport routier modulaire ré cité par le document D1 montres des moyens de télécommandes des modules de transports additionnelles qui sont filoguidés (revendication 3).
- 1.3 Le sujet des revendications 1 et 3 n'est pas nouveau par rapport au contenu du document D1: les revendications 1 et 3 correspondantes ne répondent pas aux conditions des Art.33(1-4) PCT.
2. La combinaison des caractéristiques des revendications 2, 4 à 7 n'est pas comprise dans l'état de la technique et n'en découle pas de manière évidente. Une revendication indépendante incluant les caractéristiques des dites revendications satisferait les requisites des Art.33(1-4) PCT, les caractéristiques connues en combinaison dans le document D1 étant indiquées dans la première partie de cette revendication (règle 6.3 b) PCT).
3. Contrairement à ce qu'exige la règle 5.1 a) ii) PCT, la description n'indique pas l'état de la technique antérieure pertinent exposé dans le document D1 et ne cite pas ce document.
4. Les caractéristiques figurant dans les revendications ne comportent pas de signes de référence mis entre parenthèses (règle 6.2 b) PCT).